

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00020: BERNARD JEFFREY & PATRICIA M. QUEEN (AMD)

DESCRIPTION

Zone Change:	Request		Acreages	
	<u>From</u>	<u>To</u>	<u>Net</u>	<u>Gross</u>
	B-4	B-1	0.21	0.47
	I-1	B-1	<u>0.45</u>	<u>0.79</u>
	TOTAL		0.66	1.26

Location: 411 Chair Avenue, 410 De Roode Street, and 603 - 619 South Broadway (odd addresses only)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-4 & I-1	Vacant
To North	I-1	Vacant
To East	MU-3 & B-3	Mixed-Use Project & Car Wash Establishment
To South	P-1, B-1 & B-4	Commercial
To West	B-4 & I-1	Commercial

URBAN SERVICES REPORT

Roads – South Broadway (US 68) is a four-lane, major urban arterial that connects downtown Lexington to the southwest portion of the Urban Service Area. South Broadway intersects Bolivar Street at a signalized intersection to the southeast of the subject properties. As part of the Newtown Pike Extension Plan, Oliver Lewis Way is planned to continue from High Street to South Broadway along the former railroad bed and along the De Roode Street right-of-way, and will connect into the South Broadway opposite Bolivar Street. Roadway improvements along this corridor are currently underway. Bolivar Street (where US 27 splits from US 68) is also considered a major arterial in this vicinity, although it handles far fewer vehicles per day than South Broadway. It provides a direct connection to South Upper Street (US 27), near the University of Kentucky’s main campus. South Broadway corridor improvements are anticipated at the time the intersection construction is complete for Oliver Lewis Way/Bolivar Street/South Broadway. The Newtown Pike Extension project has included purchase of frontage along the subject properties and has restricted access to the subject site from only Chair Avenue.

Curb/Gutter/Sidewalks – South Broadway has curb, gutter, and sidewalks in the immediate vicinity of the subject property, but they will be rebuilt and/or moved with the imminent intersection improvements of Oliver Lewis Way and South Broadway. Such urban improvements are also expected to be complete along the Oliver Lewis Way (currently De Roode Street) as the roadway project for this area is completed. Chair Avenue does have curb and sidewalks, but no gutters along this portion of this local industrial street.

Storm Sewers – The subject property is located within the Town Branch watershed. There is no designated FEMA Special Flood Hazard Area in the immediate area, although a stormwater problem was reported during the September 2006 major storm event at the intersection of South Broadway and Bolivar Street. In older areas of town such as this, the existing storm sewers are sometimes spaced at larger intervals or are undersized. Storm sewers are being installed as part of the Oliver Lewis Way roadway improvements along that frontage as well as along South Broadway. If further improvements are found to be needed along the frontage of Chair Avenue, they should be completed in accordance with the adopted Engineering Manuals.

Sanitary Sewers – The subject property is located in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment Plant. There are no known problems related to the existing sanitary sewers in this area; however, lines may need to be improved for the change in land use proposed on the subject site. The Capacity Assurance Program tracking indicates that the sewer bank serving this immediate area does have a positive balance, currently.

Refuse – The Urban County Government serves this urbanized area with refuse collection on Mondays. Additional collection service can be secured with a private refuse service, if necessary.

Police – The nearest police station is located less than one mile northeast of the subject property at the East Main Street headquarters location.

Fire/Ambulance – The nearest fire station (#6) is located about ½ mile south of the subject property, at the corner of South Upper Street and Scott Street.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to serve the subject property.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E). The Newtown Pike Extension Corridor Small Area Plan, adopted by the Planning Commission in January 2003, recommends Retail/Office Mixture, including a residential component future land use for the subject properties. The Plan also makes more general recommendations for streetscape improvements such as wide sidewalks along South Broadway, developing major intersections as gateways, encouraging commercial development along key corridors and at major intersections, enhancing community services and improving access to jobs.

The petitioner has amended their zone change request and now proposes (B-1) a Neighborhood Business zone. The petitioner proposes a 10,550 square-foot structure and associated off-street parking.

CASE REVIEW

The petitioner has amended their requested zone change from a Wholesale and Warehouse Business (B-4) zone and a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone for approximately two-thirds of an acre of property along South Broadway, between Chair Avenue and the extension of Oliver Lewis Way (currently DeRoode Street).

The subject property is located at the southwest corner of South Broadway and Oliver Lewis Way, which is currently under construction and will replace DeRoode Street. The subject site is also bound by Chair Avenue further to the southwest. The property is comprised of seven parcels, several of which have been modified over the past few years as the Transportation Cabinet and LFUCG have purchased right-of-way for the extension of Oliver Lewis Way to its future intersection with South Broadway. Structures along South Broadway have been removed due to the right-of-way acquisition and road construction project.

The immediate vicinity is characterized by a variety of commercial uses, as well as several mixed-use projects, along South Broadway. The Southend Park redevelopment has been on-going for several years to the north of the subject site, also in support of the Newtown Pike Extension Corridor Small Area Plan and the highway project. More changes are expected as this major roadway improvement (phase 2) in downtown Lexington is completed in the late summer or fall of this year. The University of Kentucky has also made and plans additional improvements near this major intersection, to the east.

The petitioner proposes a Neighborhood Business (B-1) zone in order to construct a primarily retail sales establishment and an associated off-street parking area.

The subject area is located within the Newtown Pike Extension Corridor Small Area Plan boundary, which the Planning Commission adopted in January 2003. The staff is of the opinion that the Small Area Plan remains active, at least as long as the Newtown Pike Extension project is underway. The specific land use recommendation for the subject properties is Retail/Office Mixture, including a residential component (RO), which is similar to other properties that front onto South Broadway. The SAP further states on page 88 that:

"commercial redevelopment is focused along major circulation routes and in places where industrial uses are no longer viable. Major commercial development is proposed along Broadway, near the intersection with Newtown Pike. This would include services, such as a grocery store, as well as other supporting retail. Mixed

use development, including business and residential space, are also recommended along this corridor. These uses would fit within the Retail/Office Mixture and Retail, Trade and Personal Services land use categories of the 2001 Comprehensive Plan”.

The SAP notes that the intersection of South Broadway and Oliver Lewis Way is a major gateway, which deserves additional enhancements. The Urban County Council, in support of the Newtown Pike Extension project, has also adopted Commercial Design and Property Access Standards, which are more restrictive than the underlying zone.

The 2013 Comprehensive Plan no longer relies upon a future land use map, but does focus on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Goals and Objectives statements of the Plan should be reviewed for any rezoning request for compliance.

The petitioner contends that the proposal is in agreement with the 2013 Comprehensive Plan, specifically the Goals and Objectives of the Plan. The petitioner opines that the proposed zone change is an opportunity for infill and redevelopment (Theme A, Goal #2), will support a well-designed neighborhood (Theme A, Goal #3), will reduce Lexington’s carbon footprint (Theme B, Goal #2), will create a variety of jobs and put jobs where people live (Theme C, Goal #1), and will uphold the Urban Service Area concept (Theme E, Goal #1). The petitioner also contends that the requested B-1 zone is appropriate and the existing B-4/I-1 zones are inappropriate at this location.

Neighborhood Business (B-1) or mixed-use zoning (and land use) would be compatible and appropriate at this location to create jobs near where people live, in close proximity to the University of Kentucky and downtown. Mixed-use development also tends to reduce Lexington’s carbon footprint by reducing vehicle miles traveled. The staff finds that the B-1 zone meets the intent of the SAP land use recommendation because residential is a permitted use, whereas it is not in the B-3 zone that was previously requested. The proposed zone, along with the supporting design and access standards adopted by the Urban County Council, will ensure that this prominent corner at the intersection of Oliver Lewis Way and South Broadway will improve the Southend Park neighborhood, and contribute to the redevelopment envisioned for this new corridor connection into downtown. For these reasons, the staff finds that the proposed B-1 zone is in agreement with the future land use map of the Newtown Pike Extension Small Area Plan, and the 2013 Comprehensive Plan’s Goals and Objectives.

The Staff Recommends: **Approval**, for the following reason:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and the adopted Newtown Pike Extension Corridor Small Area Plan, which preceded it, for the following reasons:
 - a. The Newtown Pike Extension Corridor Small Area Plan recommends Retail/Office Mixture, including a residential component (RO) future land use for the subject properties. The B-1 zone meets the intent of the SAP land use recommendation because residential is a permitted use in the zone, and the proposed developed depicts a mixed-use at this location.
 - b. The proposed B-1 zone, along with the supporting design and access standards adopted by the Urban County Council, will ensure that this prominent corner at the intersection of Oliver Lewis Way and South Broadway will improve the Southend Park neighborhood, and contribute to the redevelopment envisioned by the Small Area Plan for this new corridor connection into downtown.
 - c. The proposed B-1 zone (and land use) will be compatible and appropriate at this location to create jobs near where people live, in close proximity to the University of Kentucky and downtown.
 - d. Mixed-use development tends to reduce Lexington’s carbon footprint by reducing vehicle miles traveled. The mixed use nature of the intersection may indeed reduce automobile transportation demands if the development supports the nearby residential dwelling units.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-16-00047: Queen Estate (fka J Forbing & Son’s), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.